

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RICKY R. BAKER,)	8:08CV69
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
ROBERT P. HOUSTON, Director,)	
and FRED BRITTEN, Warden,)	
)	
Respondent.)	

This matter is before the court on its own motion. On February 22, 2008, this court entered an order requiring Respondents to file an answer or a motion for summary judgment. ([Filing No. 6.](#)) Petitioner was permitted 30 days after the filing of the answer or motion for summary judgment in which to file a brief in response. (*Id.*) Respondents filed a Motion for Summary Judgment, Brief in Support and State Court Records on April 2, 2008. ([Filing Nos. 8, 9, and 10.](#)) However, Petitioner did not submit a response. On the court's own motion, Petitioner shall have until August 11, 2008 in which to respond to Respondents' Motion for Summary Judgment and Brief in Support. In the event that Petitioner files a response, Respondents shall have 30 days to file a reply. If Petitioner does not file a response, the court will rule on the Motion without further notice.

IT IS THEREFORE ORDERED that:

1. Petitioner shall have until August 11, 2008 in which to file a response to Respondents's Motion for Summary Judgment and Brief in Support. In the absence of a response, the court will rule on the Motion without further notice.
2. In the event that Petitioner files a response, no later than 30 days after the filing of Petitioner's response, Respondent shall file and serve a reply brief.

3. No discovery shall be undertaken without leave of the court. See [Rule 6 of the Rules Governing Section 2254 Cases in the United States District Courts](#)..

4. The Clerk of the court is directed to set a pro se case management deadline with the following text: August 11, 2008: check for the filing of Petitioner's response.

July 9, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge